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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,512	09/10/2003	Qiang Cao	43-20-23-4	3622

7590

06/22/2005

Lucent Technologies Inc.  
Docket Administrator  
(Room 3J-219)  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,512

Applicant(s)

CAO ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### Information Disclosure Statement

2. The information disclosure statement filed reference listed in the information Disclosure Submitted on 09/10/03 have been considered by the examiner (see attached PTO-1449

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Ko et al. (US patent Number 2003/0100299 A1).

Regarding claims 1, 8, Ko teaches a method/network of communicating data over an interface from a base station of a network for mobile telecommunications to a base station controller operative to control the base station, comprising storing user data and diagnostic data for transmission, selecting

Art Unit: 2686

user data for transmission in preference to diagnostic data, and selecting diagnostic data traffic for transmission when no user traffic data is stored for transmission (page 9 section 0079, page 10 section 106).

Regarding claims 2, 9, Ko teaches a method/network according to claim 1, wherein the network is a Universal Mobile Telecommunications System (UMTS) network, the controller is a radio network controller (RNC), and the interface is an IuB interface (page 10 section 0103).

Regarding claim 3, Ko teaches a method according to claim 1, wherein the diagnostic data is provided to a local maintenance terminal connected to the controller for inspection (page 10 section 0100-0102).

Regarding claims 4, 10, Ko teaches a method/network according to claim 1, wherein there are a plurality of data communication channels between the base station and the controller over the interface, one channel being a diagnostic data channel, and another channel being a user data channel, the base station includes a plurality of data buffers such that data of each channel for transmission is stored before transmission in a respective buffer, the buffers each including an occupancy indicator so that user data is selected for transmission in preference to data from the buffer for diagnostic data (page 11 section 0118).

Regarding claim 5, Ko teaches a method according to claim 4, wherein the controller includes a plurality of further data buffers, such that control data of each channel for transmission to the base station is stored before transmission in a respective buffer, the further buffers each including an

Art Unit: 2686

occupancy indicator so that user channel control data is selected for transmission in preference to diagnostic channel control data (page 10 section 0108, page 13 section 131).

Regarding claim 6, Ko teaches a method according to claim 4, wherein the diagnostic data channel is set up in response to a request from the controller to the base station, and control data which is a request for diagnostic data is sent by the controller to the base station, diagnostic data being sent in response (page 6 sections 0058-00599).

Regarding claim 7, Ko teaches a method according to claim 6, wherein updated diagnostic data is sent periodically until control data which is a command to stop sending diagnostic data is received by the base station (page 9 section 0079, page 10 section 0105).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sapp** (US Publication 2003/0156548 A1) disclose method and systems for testing throughput of a packet-based communication-mode

**Sarresh et al.** (US Publication 2003/0171139 A1) disclose diversity branch delay alignment in radio base station

**Osterting et al.** (US Publication 2005/0107124 A1) disclose pre-start-up procedure for internal interface of distributed radio base station

5. **Any responses to this action should be mailed to:**

Art Unit: 2686

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

June 15, 2005



**MELDY MEHRPOUR**  
**PATENT EXAMINER**